

Application No. 09/582,719  
Amendment Dated December 2, 2004  
Reply to Office Action of June 2, 2004

**REMARKS/ARGUMENTS**

Claims 1, 3, 9-21, 31, 34-36, 39, 42, and 43 were pending in the application. Claims 2, 4-8, 22, 24-30, 32, 33, 37, 38, 40, and 41 have been withdrawn. By this Amendment, claims 1, 3, 9-18, 19, 21, 23, 34-36, 39, and 43 have been amended and claims 24-33 have been canceled. No new matter has been added. Accordingly, claims 1, 3, 9-21, 34-36, 39, 42, and 43 are pending.

In response to the withdrawn process claims, applicants note that the withdrawn process claims depend from or otherwise include all the limitations of the allowable product claims. Applicants, therefore, retain the right to rejoinder.

Applicants have amended the specification to specify that the application is a national stage application of a PCT.

**Claim rejections under 35 U.S.C. §101**

The Examiner rejected claims 1, 3, 31, 34, 35, 36, 39, 42, and 43 because the Examiner stated that the claims read on the DNA that would be present in a human being, and therefore, that the claimed invention is directed to non-statutory subject matter.

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In response, applicants have amended claim 1, which now reads in part, "An isolated and purified polynucleotide encoding the sequence of a human beta2-adrenergic receptor gene according to SEQ ID NO: 1." Claims 3 and 42 directly depend on claim 1. Claim 31 has been canceled.

Applicants, therefore, respectfully request that the Examiner reconsider and withdraw this rejection.

**Claim rejections under 35 U.S.C. §112, second paragraph**

The Examiner rejected claims 1, 3, 9, 10-21, 23, 31, 34, 35, 36, 42, and 43 for being indefinite.

In response, applicants have amended independent claim 1, which now identifies a particular SEQ ID NO and which reads in part, "An isolated and purified polynucleotide encoding the sequence a human beta 2-adrenergic receptor gene according to SEQ ID NO: 1." Independent claim 9 has also been amended, which reads in part, "a human beta 2-adrenergic receptor gene according to SEQ ID NO: 1." In addition, claims 10-17 have been amended so that the word "genotypified" has been changed to "genotyped" and the word "genotypifying" has been changed to genotyping. Claim 31 has been canceled. Also, claims 34, 35, 36, 39, and 43 have been amended so that the term "variant" has been replaced with the term "polynucleotide sequence." In response

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to the Examiner's assertion that claim 31 claims recitation of a use, without setting forth any steps involved in the process, applicants have canceled claim 31. Applicants have also amended claim 9 to add a step of determining the disposition of disease. Claims 10-21 and 23 directly or indirectly depend on claim 9. Applicants have also amended claims 18, 21, and 23 so that the phrases "such as" or "diseases including" have been taken out and limited the scope of disease to high blood pressure.

Applicants, therefore, respectfully request that the Examiner reconsider and withdraw these rejections.

**Claim rejections under 35 U.S.C. §112, first paragraph**

The Examiner rejected claims 1, 9-12, 23, 34, 35, 36, 42, and 43 for lack of enablement. The Examiner stated that although the specification is enabled for methods of determining the disposition to hypertension, it is not for methods of determining the disposition to other diseases.

In response, applicants have amended the claims to only recite "a method for determining predisposition to hypertension disease" rather than reciting a variety of diseases. Applicants, therefore, respectfully request that the Examiner reconsider and withdraw this rejection.


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**CONCLUSION**

Based on the foregoing remarks it is believed that the claims are in condition for allowance.

Respectfully Submitted,

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